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August 28, 2012

**SUBMITTED BY E-MAIL**

Mr. Anthony J. Hood, Chairman  
D.C. Zoning Commission  
One Judiciary Square  
441 4th Street N.W.  
Second Floor  
Washington, D.C. 20001

Re: Z.C. Case No. 10-14  
Application for Zoning Map Amendment to rezone  
1700 First Street, NW (Lot 800 in Square 3103)  
Supplemental Submission

Dear Chairman Hood and Members of the Commission:

This supplemental submission is filed on behalf of Stuart Davenport, owner of Big Bear Cafe, ("Applicant") to amend the Zoning Map by rezoning Lot 800 in Square 3103, a 1,222 square foot parcel of land (the "Property") with a two-story row building (the "Building"), from a residential (R-4) district to a commercial (C-2-A) district. This submission focuses on and highlights, revisions and updates to the Project that have occurred or been made subsequent to the filing of the Applicant's Prehearing Statement on May 18, 2012 ("Prehearing Statement").

**I. Clarification re: Non-Conforming Structure**

As presented in the Applicant's Prehearing Statement, the non-conforming nature of the use and structure is applicable to the Property as currently zoned in the R-4 zone district. As discussed below, should the Zoning Commission approve the Applicant's request for a Map Amendment to the C-2-A zone, the structure would no longer be non-conforming with respect to rear yard and on the first floor with regard to lot occupancy and floor area ratio ("FAR"). If the use of the Property was converted to only commercial for the entire structure, the second floor would no longer be non-conforming either with respect to lot occupancy or FAR as long as a small portion of the second floor was not used at all.



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A. Lot Occupancy

The Applicant refers to the 60% requirement with respect to the current and any future use of the property as residential. As the Commission is aware, the maximum FAR allowed for a commercial use in the proposed C-2-A zone district is 1.5. While C-2-A zoning allows 100% lot occupancy for commercial use (e.g., on the ground floor and a portion of the second floor), the remainder of the building (any density in excess of 1.5 FAR) must only be attributed to residential use up to the maximum of allowed total 2.5 FAR for all uses at the property. Thus, if the second floor (or if a third or fourth floor was added to the current structure), the floor plate of those floors would have to be set-back to only occupy no more than 60% of the lot.

B. All Commercial Use

If the current residential use of the second floor is changed to a commercial use, the use of the building would no longer be non-conforming with respect to use or lot occupancy in a C-2-A zone district. As noted above, up to 1.5 FAR may be devoted to a non-residential use in C-2-A. The gross floor area (GFA) of the first floor is 1,064 sq. ft. and the second floor is also 1,064 sq. ft. which equals a total GFA of 2,128 sq. ft. Lot 800 in Square 3103 is 1,222 sq. ft. If both floors of the Property were converted to only commercial use the resulting FAR would be 1.74 which exceeds what is allowable under the Zoning Regulations. Thus, a portion (0.24 FAR) of the second floor cannot be used for commercial use. With respect to lot occupancy, since C-2-A allows a maximum of 100% lot occupancy for each floor devoted to commercial use, the structure would no longer be non-conforming with respect to lot occupancy.

C. Rear Yard

Based on the Applicant's recent measurement of the adjacent alley, the width of the alley is 15 feet. If the property is re-zoned as C-2-A, the Applicant will be able to avail himself of Section 774.7 of the Zoning Regulations. The existing rear yard of eight (8) feet, plus the seven and a half (7.5) feet available when measuring to the mid-point of the alley pursuant to Section 774.7, makes the allowable rear yard is 15.5 feet, which meets the 15 feet rear yard requirement in C-2-A.

**II. Community Support**

The Applicant has continued to engage in, and has accelerated its efforts involving, a community engagement process. The community outreach has involved the Advisory Neighborhood Commission 5C ("ANC"), Bloomingdale Civic Association, Councilmember Vincent B. Orange, Sr., cafe patrons and individual neighbors. The Applicant has also engaged in further discussion with the Office of Planning.

A. ANC 5C Support

The Applicant made a presentation at the July 1, 2012 ANC public meeting. Following the presentation, as evidenced by the ANC's letter, dated July 23, 2012 into the record, the ANC 5C voted unanimously to schedule a follow up meeting for August 21, 2012 to receive additional information and to allow for more time for public input. Additionally, the ANC voted 8-1-0 to rescind its prior resolution indicating its opposition to the Application.<sup>1</sup> At its August 21, 2012 meeting, the ANC voted to support the Application. This resolution will be filed at a future time, by the ANC, with the Office of Zoning.

B. SMD 03 Support

By separate letter dated August 21, 2012, ANC Commissioner Hugh Youngblood, single member district representative for ANC 5C03 (the single member district in which the Project is located) expressed his "strong support" for the Application citing his reasons for support as an overwhelming majority of SMD 5C-03 constituents and community members support the Application. Exhibit A.

C. Bloomington Civic Association

At the July 16, 2012 monthly assembly meeting, with a quorum present, the Bloomington Civic Association ("BCA") voted unanimously to support the Application as a result of the Applicant's submission of a petition in support of the Application (which included 422 signatures) and a rigorous debate with the Applicant regarding future use of the Property.

D. Support from Councilmembers Vincent B. Orange, Sr. and Kenyan McDuffie

D.C. Councilmember Vincent B. Orange, Sr., at large Councilmember, submitted a letter in support of the Application into the record. Councilmember Orange is a Ward 5 resident and previously served two terms on the City Council representing Ward 5, focusing on development in underserved communities. He currently chairs the Council's Committee on Small and Local Business Development. In addition to citing some of the awards the Applicant received, Councilmember Orange notes that the Applicant has worked hard to be a positive member of the community and that the requested Map Amendment will help it continue to do so.

The Ward 5 Councilmember, Kenyan McDuffie has also indicated that he will be writing a letter in support of the Map Amendment. The Applicant anticipates that Councilmember McDuffie's letter will soon be filed with the Office of Zoning.

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<sup>1</sup> There is no former resolution in the record indicating previous opposition to the Application.



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E. Support from Neighbor

In addition to the 422 signature petition in support (which was Exhibit L of the Applicant's Prehearing Statement), a neighbor residing at 134 Randolph Place, NW (within the subject square and 200 foot radius of the Property), submitted a letter of support of the Application into the record.

If you have any questions please ask the Office of Zoning to call the undersigned at 202-452-1400.

Sincerely,

A handwritten signature in black ink, appearing to read "Lyle M. Blanchard".

Lyle M. Blanchard

A handwritten signature in black ink, appearing to read "Kate M. Olson".

Kate M. Olson

Enclosures

**CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2012 a copy of the Supplemental Submission of Big Bear Cafe, ZC Case No. 10-14, was sent to the following:

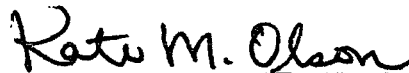
**ANC 5C**  
P.O. Box 26183  
Washington, D.C. 20001  
(By U.S. Mail)

**Chairperson Ronnie Edwards, ANC 5C**  
(Electronically [5C11@anc.dc.gov](mailto:5C11@anc.dc.gov))

**Commissioner Hugh Youngblood, SMD 5C03**  
(Electronically [5C03@anc.dc.gov](mailto:5C03@anc.dc.gov))

**Mr. Paul Goldstein**  
D.C. Office of Planning  
1100 4th Street, SW  
Suite E650  
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**Mr. Jeff Jennings**  
D.C. Department of Transportation  
55 M Street, SE  
Suite 400  
Washington, DC 20003  
(Electronically [jeffrey.jennings@dc.gov](mailto:jeffrey.jennings@dc.gov))



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Kate M. Olson

## **Letter of Support**

**21 August 2012**

**Mr. Anthony J. Hood, Chairperson  
DC Zoning Commission  
One Judiciary Square  
441 4th Street NW, Second Floor  
Washington, DC 20001**

**Re: Single Member District 5C-03 Support for Zoning Case ZC 10-14**

Dear Chairman Hood and Members of the Zoning Commission:

My name is Hugh Youngblood; I am Advisory Neighborhood Commissioner for Single Member District (SMD) 5C-03. This letter expresses the Single Member District's strong support for the proposed Amendment to the DC Zoning Map (Zoning Case # 10-14) for the Big Bear Café (BBC), which is located in Commission 5C and specifically within Single Member District 5C-03.

I have reviewed the application, have met with the applicant, and have met with my constituents on the subject during meetings of ANC 5C, SMD 5C-03, and the Bloomingdale Civic Association. This series of reviews and meetings resulted in my support for the application based on the following rationale:

1. An extensive majority of SMD 5C-03 constituents support the proposal and note the fair trade-off between the BBC's history of acting as a good neighbor and the fact that the proposed zoning change would limit residents' ability to have input into the property's uses going forward.
2. An overwhelming majority of other SMD 5C-03 community members (employers, employees, patrons, and community groups) support the proposal.

Signed petitions of residents living within a 200-foot radius of the BBC, signed petitions of support from the surrounding neighborhood, letters of support from community members and civic leaders, voiced support at our Single Member District meeting, and documented support from the Bloomingdale Civic Association demonstrate the strength of community support for the proposed zoning change.

In contrast, a small contingent of residents opposes the proposed map amendment. Their concerns include the following:

1. A change from residential to commercial zoning would yield negative economic impacts for nearby homeowners who intend to hold their properties rather than sell them. Increases in property value translate into increases in property taxes.
2. The change from residential to commercial zoning would eventually yield a significant increase in overall density of the surrounding area unwelcome by those who moved here for the small-neighborhood residential feel prior to the current spike in business development.

The applicant's willingness to work with these persons to constructively address the concerns outlined above provides additional basis for support for the proposed zoning map amendment. To help mitigate the risks associated with these concerns, the applicant has agreed to take the following measures:

## **Letter of Support**

1. Limit any future height increases to the building to a maximum of forty (40) feet total building height, which is the maximum height allowed for all R-4 residential buildings located in the area.
2. Restrict the building density to "low-density" 1.5 FAR for any commercial use as restricted in the DC zoning code to retain with the same commercial density that currently exists
3. Maintain the same noise restrictions as are required in R-4 zoning
4. Consider adding covenants to the deed that bind future uses of the property by subsequent owners.

Community support for the BBC has been so consistently strong because its commercial use of the Property has been essential to the growth and revitalization of the community. Of the many ways the BBC has played that role, let me note four.

First, the BBC serves as a neighborhood hub and community gathering place for all. Before the BBC, Bloomingdale had very limited opportunities for many residents to come together socially. It added to the sense of a neighborhood square by assisting in the development of the Bloomingdale Farmers' Market, which expanded the scope and size of our "village green." The BBC has also sponsored many community events from choirs from Haiti to poetry readings and art shows; all these events have deepened the sense and cohesiveness of Bloomingdale as a vital urban neighborhood.

Second, the BBC currently provides jobs for 5 families with children, 9 local families, 22 neighborhood residents, and 33 local residents. It contributes significantly to the District of Columbia business tax base, and its presence plays an essential role in the promotion of neighborhood business growth, local real estate sales, apartment rentals, neighborhood visibility, and community development.

Third, the BBC has won a variety of awards and accolades, all of which have benefited the Bloomingdale community. As a successful, locally owned and operated, neighborhood business, it earned the title of North Capitol Main Street "Neighborhood Business of the Year" in 2008. The BBC won the Mayor's Environmental Excellence Award in 2009. It was selected as a part of "Best of Washington" for the Washingtonian Magazine 2009-2011. Finally, the BBC was recognized for "Best Cappuccino" in the Washington Post Express.

Fourth, the BBC has contributed significantly to improved safety of pedestrians and others in the community as compared to the former use of the property.

Single Member District 5C-03 strongly supports the Map Amendment application for the BBC. I encourage the Zoning Board to look favorably on this application, and I ask that you vote in favor of the Map Amendment change so that the business at this location can continue to add value to our neighborhood, and continue to be a strong member of our developing community.

Thank you for your consideration.

Hugh Youngblood  
Advisory Neighborhood Commissioner  
Single Member District 5C-03



21 August 2012